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08/25/2006

Ruud De Wit

3794

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7590

09/03/2010

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HUNTINGTON, NY 11743

EXAMINER

ZENATI, AMAL S

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

09/03/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

striker@strikerlaw.com

Office Action Summary	Application No. 10/590,857	Applicant(s) DE WIT ET AL.	
	Examiner AMAL ZENATI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Consider **Claim 22**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Woods et al (Pub. No. US 2005/0271194 A1)** in view of **Meyerson et al (Pub. No.: US 2003/0118175 A1; hereinafter Meyerson)**

Consider **claims 22, Woods** clearly shows and discloses a set, comprising at least two discussion units each provided for use in a conference system and connectable with one another, wherein each of said discussion units includes means for switching between at least two operating modes, at least one control out of a set of controls including at least one control for each of the operating modes, said at least one control being configured to indicate to a user an operating mode currently used and to allow the user to control the discussion unit (paragraphs: 0008-0010; and fig. 1, labels: 14, 34, 30, and 32), and at least one additional control out of the set of controls and including at least one control for each of the operating modes, wherein the at least one additional control is adapted to indicate to a user an operated mode currently used and to allow for the user to control the discussion unit (fig. 1, label: 32, 52, and 61-64); wherein said at least one exchangeable control comprises a split push-button offering at least two separate

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control features, **Woods** clearly teaches that a user can use buttons, each one can control separate feature for conference call (fig. 1, labels 61-64; paragraph 0029); therefore, using “a spilt push-button offering at least two separate control features” *solves no stated problem since the user can achieve the same result either by using a spilt push-button each part do a particular control feature or by using buttons each one do a particular control feature. Therefore, it would have been an obvious matter of design choice within the skill of the art. In re Launder, 42 CCPA 886, 222 F.2d 317, 105 USPQ 446 (1955)*; however, **Woods** does not disclose the method, at least one exchangeable control out of a set of controls.

In the same field of endeavor, **Meyerson** clearly discloses the method, at least one exchangeable control out of a set of controls (fig. 3 and paragraphs: 0071-0073).

Meyerson discloses the above for the purpose of allowing subscriber to select appliance modules in order to manage their communication device (paragraphs: 0002-0004).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use at least one exchangeable control as taught by Meyerson in Woods, in order to allow subscribers to select appliance modules for managing their communication devices.

3. Consider **Claims 12 - 18 and 23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Woods et al (Pub. No. US 2005/0271194 A1)** in view of **Meyerson et al (Pub. No.: US 2003/0118175 A1; hereinafter Meyerson)** and further in view of **Kusano (Pub. No.: US 2005/0022621 A1)**

Consider **claim 12**, **Woods** clearly shows and discloses a discussion unit for use in a conference system and connectable to at least one second discussion element of the conference system, said discussion unit comprising means for switching between at least two operating modes (paragraphs: 0008-0010; and fig. 1, labels: 14, 34, 30, and 32); at least one control out of a set of controls including at least one control for each of the operating modes, said at least one control being configured to indicate to a user an operating mode currently used and to allow the user to control the discussion unit (fig. 1, label: 32, 52,

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and 61-64); however, **Woods** does not disclose the method, at least one exchangeable control out of a set of controls.

In the same field of endeavor, **Meyerson** clearly discloses the method, at least one exchangeable control out of a set of controls (fig. 3 and paragraphs: 0071-0073).

Meyerson discloses the above for the purpose of allowing subscriber to select appliance modules in order to manage their communication device (paragraphs: 0002-0004).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use at least one exchangeable control as taught by Meyerson in Woods, in order to allow subscribers to select appliance modules for managing their communication devices.

Woods teaches that the user can select a desire mode by using the buttons (fig. 1, labels 61-64), therefore, **that is required** to have a configuration switch located inside the casing when the user clicks a button the configuration switch will be set to on or off; however, **Woods and Meyerson** do not specifically disclose a casing; and a configuration switch for configuring the discussion unit to operate in one of the operating modes, wherein the configuration switch is accessible only when the casing is in a disassembled state.

In the same field of endeavor, **Kusano** clearly discloses a casing; and a configuration switch for configuring a device to operate in one of the operating modes, wherein the configuration switch is accessible only when the casing is in a disassembled state (fig. 5 *for before disassembled* and fig. 6 *for after disassembled*; paragraphs: 0083, 0085).

Kusano discloses the above for the purpose of showing how the mode change switch 3 (configuration switch) that located inside the casing to be changed on/off of the manual mode signal, so switch 3 can be set by using the manual mode switch 30 (fig. 5, fig. 6 and paragraphs: 0083, 0085).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the teaching of Kusano in Woods and Meyerson, in order to allow subscribers to select the desire mode for setting the inner switch 3 on/off by simply using the push- button.

Consider **claims 23, Woods** clearly shows and discloses a conference system and a set, comprising at least two discussion units each provided for use in a conference system and connectable with one another, wherein each of said discussion units includes means for switching between at least two operating modes, at least one control out of a set of controls including at least one control for each of the operating modes, said at least one control being configured to indicate to a user an operating mode currently used and to allow the user to control the discussion unit (paragraphs: 0008-0010; and fig. 1, labels: 14, 34, 30, and 32), and at least one additional control out of the set of controls and including at least one control for each of the operating modes, wherein the at least one additional control is adapted to indicate to a user an operated mode currently used and to allow for the user to control the discussion unit (fig. 1, label: 32, 52, and 61-64); however, **Woods** does not disclose the method, at least one exchangeable control out of a set of controls.

In the same field of endeavor, **Meyerson** clearly discloses the method, at least one exchangeable control out of a set of controls (fig. 3 and paragraphs: 0071-0073).

Meyerson discloses the above for the purpose of allowing subscriber to select appliance modules in order to manage their communication device (paragraphs: 0002-0004).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use at least one exchangeable control as taught by Meyerson in Woods, in order to allow subscribers to select appliance modules for managing their communication devices.

In the same field of endeavor, **Kusano** clearly discloses a casing; and a configuration switch for configuring the discussion unit to operate in one of the operating modes, wherein the configuration switch is accessible only when the casing is in a disassembled state (fig. 5 *for before disassembled* and fig. 6 *for after disassembled*; paragraphs: 0083, 0085).

Kusano discloses the above for the purpose of showing how the mode change switch 3 (configuration switch) that located inside the casing to change on/off of the manual mode signal, so switch 3 can be set by using the manual mode switch 30 (fig. 5, fig. 6 and paragraphs: 0083, 0085).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the teaching of Kusano in Woods and Meyerson, in order to allow subscribers to select the desire mode for setting the inner switch 3 on/off by simply using the push- button.

Consider **claim 13, Woods and Meyerson** clearly show the method, further comprising means for operating at least two operating modes including a single user delegate mode in which the discussion unit is a discussion unit for a single delegate participating in a conference, a dual user delegate mode in which the discussion unit is a discussion unit for two delegates participating in the conference, and a chairman mode in which the discussion unit is a chairman unit adapted to control a state of at least one microphone of the discussion unit (Woods: fig. 1 and paragraphs: 0027-0039).

Consider **claim 14, Woods and Meyerson** clearly show the method, wherein said means for operating said at least two of operating modes is configured so that in the chairman mode the discussion unit controls the state of at least on microphone by switching the state from a speak-state into a mute-state or vice versa (Woods: fig. 1 and paragraphs: 0029, 0032, 0035, and 0038)

Consider **claim 15, Woods and Meyerson** clearly show the method, further comprising means for operating a single user delegate mode with auxiliary control so that in the single user delegate mode a

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discussion unit is a discussion unit for a single delegate participating in a conference, and the discussion unit offers to the delegate an auxiliary control option (Woods: fig. 1).

Consider **claim 16, Woods and Meyerson** clearly show the method, further comprising at least one additional exchangeable control out of the set of controls and including at least one control for each of the operating modes, wherein at least one additional exchangeable control is adapted to indicate to a user an operated mode currently used and to allow for the user to control the discussion unit (Meyerson: fig. 1 and fig. 3).

Consider **claim 17, Woods and Meyerson** clearly show the method, wherein said exchangeable control includes at least one exchangeable push-button (Meyerson: fig. 3, label 68).

Consider **claim 18, Woods and Meyerson** clearly show the method, wherein said exchangeable push-button includes a split push-button, offering at least two separate control features (Meyerson: fig. 3, label 68).

4. Consider **Claims 19, 20, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Woods et al (Pub. No. US 2005/0271194 A1)** in view of **Meyerson et al (Pub. No.: US 2003/0118175 A1; hereinafter Meyerson)** and further in view of **Daily et al (Pub. No.: US 2005/0257369 A1; hereinafter Daily)**

Consider **claim 21, Woods** clearly shows and discloses a discussion unit for use in a conference system and connectable to at least one second discussion element of the conference system, said discussion unit comprising means for switching between at least two operating modes (paragraphs: 0008-0010; and fig. 1, labels: 14, 34, 30, and 32); at least one control out of a set of controls including at least one control for each of the operating modes, said at least one control being configured to indicate to a user

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an operating mode currently used and to allow the user to control the discussion unit (fig. 1, label: 32, 52, and 61-64)); however, **Woods** does not disclose the method, at least one exchangeable control out of a set of controls.

In the same field of endeavor, **Meyerson** clearly discloses the method, at least one exchangeable control out of a set of controls (fig. 3 and paragraphs: 0071-0073).

Meyerson discloses the above for the purpose of allowing subscriber to select appliance modules in order to manage their communication device (paragraphs: 0002-0004).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use at least one exchangeable control as taught by Meyerson in Woods, in order to allow subscribers to select appliance modules for managing their communication devices.

However, **Woods and Meyerson** disclose the claimed invention above but lack teaching the method further comprising a ejector tool, wherein the ejector tool has a tool element configured with two parallel arms for pushing a pair of pins comprising the at least one exchangeable control, which pair of pins are inserted in ejector openings within the casing, in order to eject and remove the at least one exchangeable control from the casing.

In the same field of endeavor, **Daily** clearly discloses and shows the system, further comprising a ejector tool, wherein the ejector tool has a tool element configured with two parallel arms for pushing a pair of pins comprising the at least one exchangeable control, which pair of pins are inserted in ejector openings within the casing, in order to eject and remove the at least one exchangeable control from the casing (abstract and fig. 1; and paragraphs: 0008, 0011, and 0022).

Daily discloses the above for the purpose of providing the user instrument/ejector mechanism to remove modules or subcomponents from a base unit (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a user instrument/ejector mechanism as taught by Daily in Woods and

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Meyerson, in order to provide a user instrument/ejector mechanism to remove modules or subcomponents from a base unit.

Consider **claims 19 and 20**, claims 19 and 20 have the same limitations as claim 21; therefore, claims 19 and 20 are rejected for the same reasons set for claim 21.

Response to Arguments

The present Office Action is in response to Applicant's amendment filed on June 11, 2010. Applicant has amended **claims 12, 20, 21, 22, and 23**; claims **12 – 23** are now pending in the present application.

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Amal Zenati/
Patent Examiner, Art Unit 2614

August 24, 2010

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